

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 5618 of 2022

ORDER:

This Criminal Petition is filed under Section 437 & 439 of the Code of Criminal Procedure,' 1973 (for short "Cr.P.C.") seeking to enlarge the petitioner/Accused Officer on bail in connection with Crime No.02/ACB-ADB/2022, on the file of ACB, Adilabad Range, Adilabad District, for the offences punishable under Sections 13(1) (b) read with 13 (2) of Prevention of Corruption Act, 1988.

2. Heard the learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State and perused the record.

3. The case against this petitioner is that he was in possession of disproportionate assets to the tune of Rs. 78,21,833/- and he was not able to satisfactorily account for the said disproportion. The total assets of the petitioner were fallen at Rs.1,17,60,41/-, and the probable income of the petitioner in the check period was Rs.1,28,45,969/- and after deducting the probable expenditure the Accused Officer ought to have been in possession of assets to a tune of Rs.39,38,577/-. However, as stated the ACB found the said disproportion.

4. Learned Counsel for the petitioner would submit that the petitioner is in Jail since 26.05.2022 and he has been falsely implicated even without seeking any explanation regarding the assets which were found. He also submits that the petitioner would in fact assist the

investigation and give all the details pertaining to the assets and the income.

5. On the other hand learned Public Prosecutor would submit that the corrupt officers such as these petitioners who indulge in large scale corruption, cannot be granted bail and it should have an impact on the other public servants and deter them from indulging in any corruption activities.

6. As seen from the Remand Report, all the details regarding the immovable properties and the income of the petitioner and also the likely expenditure are all tabulated and details are available with the investigating agency. As stated above as undertaken by the petitioner, it is for him to assist the investigation and shall give all the necessary details as sought during the course of investigation within the parameters prescribed.

7. In the said circumstances, the petitioner can be released on bail subject to the following conditions:

- i. The petitioner/ Accused Officer is directed to be released on bail on his executing personal bond for Rs.1,00,000/- (Rupees One Lakh only) with two sureties for like sum each, to the satisfaction of Special Judge for SPE & ACB Cases at Karimnagar.

ii. On such release, the petitioner/Accused Officer shall appear before the concerned Police Station on every Sunday and Wednesday between 10.30 a.m. to 1.00 p.m. for a period of three months or till filing of charge sheet whichever is earlier, for the purpose of investigation, failing to assist investigation, keeping in view the rights of the accused, ACB entitled to seek cancellation of the bail granted to this petitioner.

iii. The petitioner/Accused Officer shall comply with the conditions as laid down under Section 437 (3) of Cr.P.C.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Date :06.07.2022
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K.SURENDER, J

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Dt.06.07.2022

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